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Smith, Gambrell & Russell, LLP

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TO: THE UNITED STATES PATENT AND TRADEMARK OFFICE

FACSIMILE No.: (703) 872-9306

ATTN: Examiner Sarvamangala J.N. DEVI

No. Pages (Including this page): 11

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By Telephone AT: (202) 263-4300

Attorney Docket : 034047.037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Cassels, et al.

U.S. Serial No.: 08/905,046

Group Art Unit: 1645

Filed: 1 August 1997

Examiner: Sarvamangala J.N. DEVI

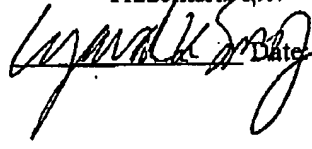
**For: MONOCLONAL ANTIBODY WHICH AGGLUTINATES E. COLI HAVING
THE CS4-CFA/I FAMILY PROTEIN**

List of attached document(s):

- A) Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37
C.F.R. 1.137(b)**

CERTIFICATE OF FACSIMILE TRANSMISSION

**I hereby certify that the above identified document A
is being facsimile transmitted to the Patent and
Trademark Office on the date shown below.**

Name: Suzannah K. Sundby, Reg. No. 43,172 Sig.:  Date: 10 June 2004

JUN 10 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cassels, et al.

Serial No.: 08/905,046

Filed: 1 August 1997

For: MONOCLONAL ANTIBODY WHICH
AGGLUTINATES E. COLI HAVING THE CS4-
CFA/I FAMILY PROTEIN

Group Art Unit: 1645

Examiner: Devi, Sarvamangala J. N.

Atty Dkt No.: 034047.037
(WRAIR 95-10)PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile 703-872-9306

Dear Sir:

This is a petition to revive the above-identified application which became abandoned from failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office.

1. Petition Fee

☐ A check is enclosed or ☐ please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the small entity fee of \$ 665.00 under 37 C.F.R.

1.17(m). Applicant claims small entity status.

☐ A check is enclosed or ☒ please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the large entity fee of \$ 1330.00 under 37 C.F.R.

1.17(m).

2. Reply and/or Fee

A. The reply and/or fee to the above-noted Office action in the form of * (type), mailed *,

☐ has been filed previously on *.☐ is enclosed herewith.

SGRDC/216137.1

- ☐ Please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037
(WRAIR 95-10) for the * entity * fee of \$* under 37 C.F.R. *.

B. The issue fee of \$1330.00.

- ☐ has been filed previously on *.
- ☐ is enclosed herewith.
- ☒ Please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037
(WRAIR 95-10) for the large entity issue fee of \$1330.00 under 37 C.F.R. 1.18(a).

3. Matters related to the Notice of Allowance and Issue Fee Due – Since Applicants do not have a copy of the Notice of Allowance and Issue Fee due:

- ☒ Applicants would appreciate a copy of the missing Notice of Allowance and Issue Fee Due to be forwarded to Suzannah K. Sundby at the address below.
- ☒ In part B of the Fee Transmittal in Box 2, please indicate “Elizabeth Arwine” as the name of the patent attorney for printing on the patent front page.
- ☒ In part B of the Fee Transmittal in Box 3, please indicate the Assignee as “The United States of America as represented by the Secretary of the Army (Washington, DC)”.
- ☒ If necessary, please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 for the publication fee of \$300.00 under 37 C.F.R. 1.18(d).
- ☒ Please send 11 soft/advance copies of the issued patent to Suzannah K. Sundby at the address below and debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 in the amount of \$33.00 under 37 C.F.R. 1.19(a)(1).

4. Terminal Disclaimer with disclaimer fee

- ☒ Since this utility application was filed on or after 8 June 1995, no terminal disclaimer is required.

5. Other

- ☒ Three signed revocation and new power of attorney forms are submitted herewith.
- ☒ Applicants respectfully request that once the decision to grant this Petition is made, that Suzannah K. Sundby be notified via telephone or facsimile as soon as possible such that

Applicants may timely pay the filing fee for the continuation application (which will claim priority to the present application should this petition be allowed) that has been concurrently filed herewith.

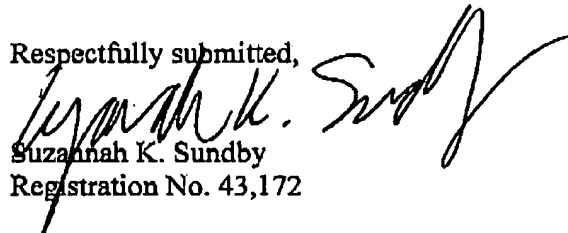
5. STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Specifically, Applicants note that the Notice of Allowance and Issue fee due was not received and believe that it was lost in the mails during the Anthrax U.S. Postal Service closings in Washington, DC, mail diversions, and destruction and/or non-delivery of mail suspected of contamination. Applicants did receive a Notice of Abandonment mailed 13 March 2003, but did not know that the prior attorney did not address or respond to the Notice of Abandonment until recently when the case was transferred to Suzannah K. Sundby in April 2004. Since the transfer of the case in April 2004 to the present date, Applicants were endeavoring to determine the facts related to the abandonment. During such time, Applicants determined that there was no intent on the part of the Applicants that the application go abandoned. Therefore, the entire period of abandonment was unintentional.

It is not believed that fees beyond those submitted herewith are required. If, however, any additional fees are necessary in order to grant this petition, then such fees are hereby authorized to be charged to our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10).

Respectfully submitted,


Suzannah K. Sundby
Registration No. 43,172

Date: 10 June 2004

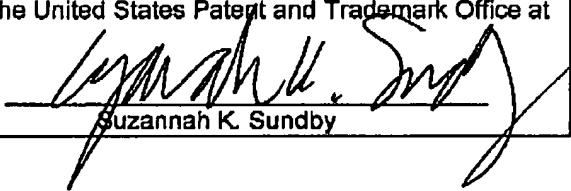
SMITH, GAMBRELL & RUSSELL, LLP
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 263-4332
Fax: (202) 263-4352

Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703-872-9306.

Date: 10 June 2004


Suzannah K. Sundby

Jun 03 04 06:15p

WA-BCHM-P8902-W

(301) 319-9801

P. 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cassels, et al

Serial No.: 08/905,046

Filed: 1 August 1997

For: MONOCLONAL ANTIBODY WHICH
AGGLUTINATES E. COLI HAVING THE CS4-
CFA/I FAMILY PROTEIN

Group Art Unit: 1645

Examiner: Devi, Sarvamangala J. N.

Atty Dkt No.: 034047.037
(WRAIR 95-10)REVOCATION OF ORIGINAL POWER OF ATTORNEY
AND GRANT OF NEW POWER OF ATTORNEYCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby revoke the previous Power of Attorney in the above-referenced application and hereby appoint SUNDBY, Suzannah K. (Reg. No. 43,172) and the other practitioners at Customer Number 00441 and

Elizabeth Arwine (Registration No. 45,867) of the U.S. Army Medical Research and Materiel Command with a mailing address at:

Office of the Staff Judge Advocate
U.S. Army Medical Research and Materiel Command
ATTN: MCMR-JA (Ms. Elizabeth Arwine)
504 Scott Street
Ft. Detrick, MD 21702-5012

All telephone calls relating to this case should be directed to:

Suzannah K. Sundby at
(202) 263-4332
Frederick J. Cassels3 Jun 2004
Date

Andrew Lees

Date

SGRDC/216205.1

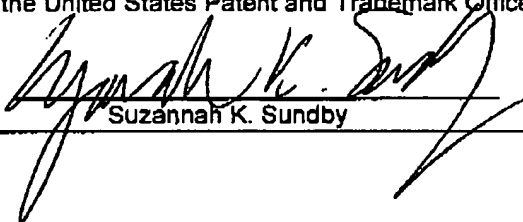
Richard Schuman

Date**Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)**

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Date: 10 June 2004


Suzannah K. Sundby

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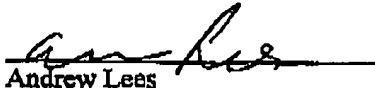
Elizabeth Arwine (Registration No. 45,867) of the U.S. Army Medical Research and Materiel Command with a mailing address at:

Office of the Staff Judge Advocate
U.S. Army Medical Research and Materiel Command
ATTN: MCMR-JA (Ms. Elizabeth Arwine)
504 Scott Street
Ft. Detrick, MD 21702-5012

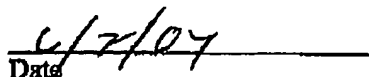
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Suzannah K. Sundby at
(202) 263-4332

Frederick J. Cassels


Andrew Lees

Date


Date

SQRDC/216205.1

Richard Schuman

Date

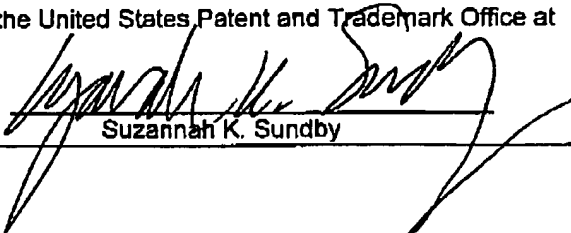
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Suzannah K. Sundby

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Frederick J. Cassels_____
Date_____
Andrew Lees_____
Date

SGRDC/216205.1

Richard Schuman
Richard Schuman

6/4/04
Date

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